

REMARKS

Claims 1-11, 21-27, 29-33 and 37 are pending in this application. Claim 1 is independent.

Interview

The courtesies extended to Applicants' representative by Examiner Yang during the telephonic interview held August 15, 2011, are appreciated. The reasons presented during the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

Claim Rejections - §103

Claims 1-11, 21, 24-27 and 29-33 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 5,458,643 ("Oka") in view of U.S. Patent No. 7,008,635 ("Coury"), U.S. Patent No. 6,264,695 ("Stoy") and U.S. Patent No. 3,867,728 ("Stubstad"). This rejection is respectfully traversed.

Oka, Coury, Stoy and Stubstad fail, alone or in combination, to disclose, teach or suggest a prosthesis having a "flexible portion [that] comprises a fibre-reinforced hydrogel containing chopped fibres, the hydrogel comprising charged groups," as recited in claim 1. As Applicants noted in the August 15 telephonic interview, the Office Action relies on Coury for the disclosure of "chopped fibers," but at most, Coury discloses only "fibers" around the prosthesis, not chopped fibers. In addition, a person of ordinary skill would not have used the fibers in Coury with the hydrogel recited in the claims because Coury explicitly states that the hydrogel is limited to those having low swellability (col. 3:31-36). Such low-swellability hydrogels would not see a significant strength increase from the addition of chopped fibers. Applicants' claimed feature, on the other hand, recites a hydrogel containing negatively-charged groups, which is a highly-swellable substance. The addition of chopped fibers to a hydrogel having negatively charged groups adds significant strength and toughness to

hydrogel while maintaining the hydrogel's highly-swellaable properties. In contrast to the pending claims, Coury states highly swellaable gels are not suitable because they are "highly 'elastic' (compliant) and correspondingly do not resist stress well." See paragraph 16 of the Declaration of Dr. Jacques Marie René Huyghe (attached hereto), an inventor of the instant application. As suggested by Examiner Yang in the August 15 Interview, Applicants have provided a comprehensive §1.132 Declaration from Dr. Huyghe.

Accordingly, Applicants respectfully request that the rejections of claim 1 be withdrawn and the claim allowed.

Claims dependent from claim 1 are allowable for at least the same reasons as claim 1, as well as for the additional limitations recited therein. For example, claim 10 recites that the "hydrogel comprises at least 5% fibres," claim 25 recites that "the angle at which the fibres are arranged varies with respect to an axis of rotation from 5 degrees to 90 degrees," claim 26 recites that the angle . . . varies . . . from 45 degrees to 60 degrees," and claim 32 recites that the fibres are "capable of absorbing hydrogel monomers." No cited reference discloses these features.

Claims 21-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Oka, Coury, Stoy, Stubstad and U.S. Patent No. 5,047,055 ("Bao"). This rejection is respectfully traversed.

Bao fails to cure the deficiencies of Oka, Coury and Stubstad, as described above with respect to claim 1. Accordingly, claims 21-23 are allowable for at least the same reasons as claim 1, as well as for the additional limitations recited therein. In addition, no cited reference discloses the specific features of claim 23, including that the "volume of the prosthesis is reduced by immersing it in a hypertonic salt bath."

Finally, the Office Action does not contain any statement that claim 37 is rejected under prior art. Applicants note that Oka, Coury, Stoy, Stubstad and Bao all fail to disclose,

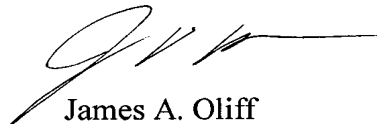
teach or suggest the features of claim 37, which recites that "the hydrogel comprises negatively charged groups, such that the hydrogel is configured to absorb fluid by osmotic action when the hydrogel is at rest." Applicants respectfully submit that any prior art rejection of claim 37 would constitute a new grounds of rejection not necessitated by amendment and must be made non-final.

Conclusion

In view of the foregoing and the §1.132 Declaration submitted herewith, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:
§1.132 Declaration

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